IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ petition No. 391 (S/S) 2003

Brij Kishore Ghildiyal S/o late L.D. Ghildiyal,
Resident of C/o Accountant, Hemwati Nandan Bahuguna,
Garhwal University, Sri Nagar, Garhwal. .....Petition.

Versus

1. Secretary, Higher Education,
   Govt. of Uttarakhand, Dehradun,
2. Registrar, Hemwati Nandan Bahuguna
   Garhwal University, Sri Nagar, Garhwal. .....Respondents.

Sri S.N. Babulkar, learned Sr. Counsel for the petitioner,
Sri H.M. Raturi, learned counsel for the State,
Sri J.P. Joshi, learned counsel for the University.

Hon'ble M.M. Ghildiyal,.

Heard Sri S.N. Babulkar, learned Sr. Counsel, Assisted by Anil K. Bisht, learned counsel for the petitioner, Sri H.M. Raturi, learned counsel for the State of Uttarakhand and Sri J.P. Joshi, learned counsel for the University.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order of direction in the nature of mandamus commanding and directing the respondents to confirm the petitioner on the post of Account (Superintendent Accounts) and to determine and award his seniority with effect from the date of his initial appointment i.e. 01.09.1996 and to confer him all consequential benefits forthwith,

ii. Issue a writ, order or direction in the nature of mandamus commanding and directing the

respondents to confirm the petitioner and to determine and award his seniority before initiation of selection on the post of Deputy Registrars ad Assistant Registrars,

iii. Issue any other writ, rule order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case,

iv. Award the cost to petitioner.

The petitioner who was appointed in the Hemwati Nandan Bahuguna Garhwal University on 15.02.1974 was lateron appointed as Superintendent Accounts in the pay-scale of Rs. 1400-2600 w.e.f. 01.09.1986, in the Adult Continuing Education Department of the University. Though, Sri Satish Chandra Sharma and Sri Srikrishna Nautuyal, who were appointed as Superintendent Account, much after the petitioner, have been given permanent status, the petitioner has not been made permanent on the post of Superintendent Account. A number of times, he moved representation and his representation was also forwarded by the Registrar, Hemwati Nandan Bahuguna, Garhwal University, Sri Nagar vide letter dated 29th September 2001 with the recommendation that the petitioner was appointed on the post of Superintendent Accounts on 01.09.1986, whereas the persons viz. Satish Chandra Sharma who was appointed on 23.05.1989 and Sri Srikrishna Nautiyal who was appointed on 7th January 1993, have been made permanent but the petitioner, though is senior most, has not been made permanent consequently, he requested the Secretary, Human Resources Development Department (Higher Education), Govt. of Uttarakhand to take necessary steps in this respect. Earlier also, the Vice Chancellor of the University vide letter dated 30th May 2000 has recommended the case of the petitioner to the Secretary Higher

Education, U.P., yet the State Govt. had not taken decision on the same and has not passed any order. As alleged by the petitioner, he is going to be retired in the year 2008.

In the circumstances aforesaid, I find it proper to direct the respondent no. 1 to take decision in the matter of the petitioner within a period of four weeks from the date of production of a certified copy of this order and pass appropriate orders, keeping in view the recommendations made by the Vice Chancellor dated 15.12.1999 and again on 30th May 2000 as also the recommendations made by the Registrar of the University on 29th September 2001.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 9, 2007:
NCM: